



Mediation Services

OF EASTERN IOWA

2014 Annual Report

Mediation Services of Eastern Iowa (MSEI) Statement of Purpose

The vision of Mediation Services of Eastern Iowa is to be a leader in promoting public awareness and use of mediation for cooperative conflict resolution.

Mediation Services of Eastern Iowa (MSEI) is a 501(c)3 nonprofit organization.

MSEI's Areas of Responsibility

In 2002, the court appointed Mediation Services of Eastern Iowa (MSEI) to serve as Administrator of two court-connected mediation programs: the Sixth Judicial District Family Mediation Program (6JDFMP) and the Johnson County Small Claims Mediation Program (JCSCMP)

The court also ordered MSEI to be responsible for compiling evaluations of two classes required for parties going through divorce and custody cases. The Divorcing and Separating Parents' (AKA Children in the Middle) Class is required statewide for parents of minor children who are going through divorce and custody cases. The Mediation Education Class (MEC) is required for all parties going through divorce and custody cases in the Sixth Judicial District, regardless of whether the parties have children.

MSEI is also responsible for evaluating the content of all Mediation Education Class programs offered by approved providers of mediation education classes in this district. District Court Administrator Carroll Edmonson approves the providers of the Divorcing and Separating Parents Class and the Mediation Education Class.

New Program: Johnson County Restorative Justice Conferencing Program with juvenile referrals. In spring 2014, MSEI began working with representatives from Juvenile Court Services, the Johnson County Attorney's office, and Val Kemp of Adult Corrections to start a restorative justice conferencing program. Restorative justice is a process where trained facilitators meet with a referred juvenile and the person/people affected by his/her actions, and provide them a chance to discuss what happened and possibly come to an agreement about repairing any harm. By March 2015, we had processed five cases referred by both Juvenile Court Services and the Johnson County Attorney's office. We met with representatives of the Iowa City Community School District and Johnson County police departments, to expand our referral base. We received a JJYD grant in July 2015 to fund an additional training to further diversify and expand our volunteer pool, to fund mentoring of new volunteers, and to provide training on cultural competency and racial and ethnic bias to all of our facilitators.

Sixth Judicial District (6JD) Family Mediation Program

The Family Mediation Program was established in August of 1996. In 2002, MSEI was founded and the Court appointed MSEI to administer the Sixth Judicial District Family Mediation Program. The court orders parties in all divorce and

custody cases to mediate. There are currently 40 mediators that have met the qualifications necessary to be listed on the Family Mediation Roster: 30 are practicing attorneys (75%), and the remainder are from other professions and backgrounds.

Total Cases Filed

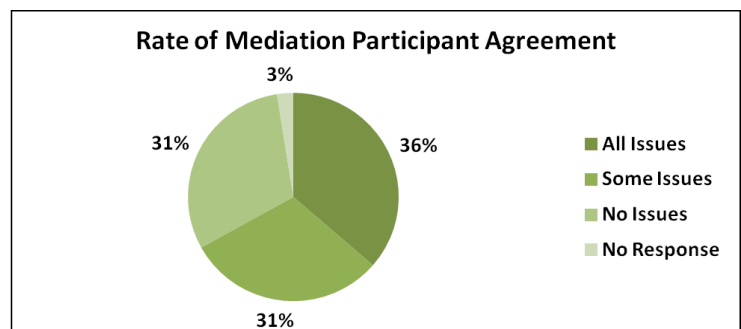
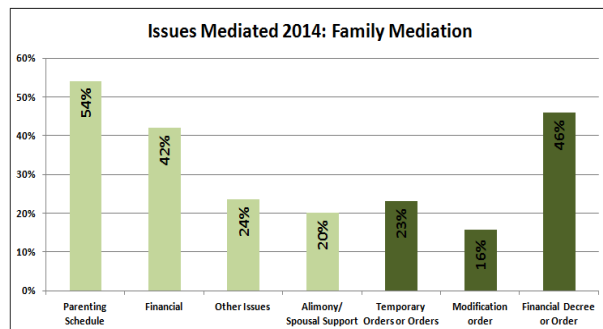
A total of 1853 cases were reported filed in 2014 according to the Domestic Relations Caseload Activity Report for the Sixth Judicial District. There was a trend of decreasing filings from 2011-2013. In 2014, dissolutions with children stabilized, dissolutions without children increased, and modifications decreased.

	2011	2012	2013	2014
Dissolution with Children	989	925	890	893
Dissolution without Children	776	723	701	764
Modification with Children	284	264	252	196
TOTALS	2049	1912	1843	1853

Family Mediation Program: Mediator-Reported Data

Parties mediated in 424 cases of 1853 cases filed in the 6JD (approximately 23%) based on statistics from the Linn County Clerk of Court.

Mediators filed 242 Mediator Status Reports. The Mediator Status Reports indicated that the following issues were discussed by the parties (note that parties will often discuss more than one issue in mediation):



Above left: Parties mediated various and multiple issues [parenting schedule, financial issues, alimony/spousal support, or other issues] related to the stage or type of case: temporary, modification or final decree.

Above right: In the reported 242 mediations, parties reached agreement on some or all issues in 67% of the cases in 2014, a decline of 5% from 2013. Approximately one third did not reach agreement. Mediator anecdotes indicate that parties can benefit from mediation even if they do not reach agreement on the issues before the court. For example, even when parties do not agree on the parenting schedule, they may discuss how to deal with a child's nightmares or poor grades, and *that* discussion may benefit the parents and children.

Key takeaways: 1) The amount of time parties spend in mediation has declined. 2) An increasing number of cases only mediate for one session. 3) The percent of mediations lasting less than 1 hour has increased, and 4) The percent of mediations lasting 1 to 3 hours has decreased. In 2014, mediators reported that 97 percent of the litigants participated

in only 1 session (92.6% in 2010). In 2014, 44 percent of the sessions lasted from 0 to 1 hour (31 percent in 2010). In 2014, 48 percent lasted from 1 to 3 hours (60 percent in 2010).

In 2014, there was an increase in attorneys participating in mediation. In 2014 participant attorneys were NOT present for mediation in 83 percent of the cases (88 percent in 2013).

Mediators continued to screen participants for domestic violence in nearly all of the cases: Mediators reported screening the parties in 98 percent of the cases (97 percent in 2013).

Family Mediation Program: Participant-Reported Data

At the end of mediation, mediators offer both participants the opportunity to provide feedback through a paper or online survey. The survey contains 18 questions and participants are asked to provide a numbered response between 1 and 5 with 1 indicating “Not At All” and 5 indicating “Completely”. The averages of the responses to each question, for 2014 and 2013 are indicated on the following graph.

Of the 424 cases that mediated in 2014, 72 participants filed the survey (16.9%). 65 percent of the respondents were female and 33 percent were male. Others did not indicate.

The Attorney’s Role (not on graph)

1. Respondents who have an attorney: 79 percent in 2014. (81% in 2013)
2. Attorney prepared them for mediation: 61 percent in 2014. (64% in 2013)

The Mediator’s Role (See graph below for results on following questions.)

1. Mediator explained the process.
2. Mediator allowed both parties to express their views during the mediation session.
3. Did not feel pressure from the mediator to go along with things they did not want.
4. Mediator did not make specific recommendations.
5. Could ask questions and say what they needed to say during the mediation.
6. Experienced no fear or intimidation because of the other party during their mediation.
7. Having the mediator present was helpful.
8. Satisfied with the mediator.

The Success of the Process

9. Had a better understanding of their overall situation (after mediation).
10. Had a better understanding of the other party’s perspective.
11. Felt that the other party had a better understanding of their perspective.

12. The mediation experience helped them decide the next steps necessary to deal effectively with the situation.

The Value of the Process

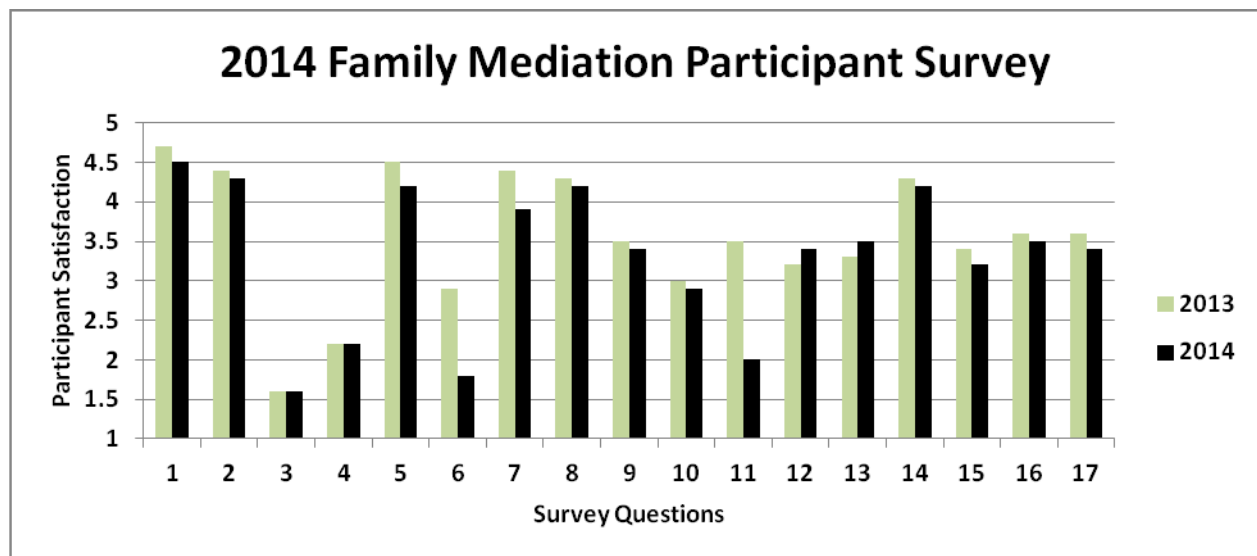
13. The mediation fee was reasonable.

14. Satisfied with the mediation process.

15. Mediation was useful.

16. Would recommend mediation to another person. (This is a common indicator of satisfaction with mediation.)

17. Would choose mediation again. (This is another common indicator of satisfaction with mediation.)



Observations

Satisfaction with the mediators remained high (8): 90%.

There was a significant drop in parties who (6) *Experienced no fear or intimidation because of the other party during their mediation.*

There was a significant drop in parties who (11) *Felt that the other party had a better understanding of their perspective.*

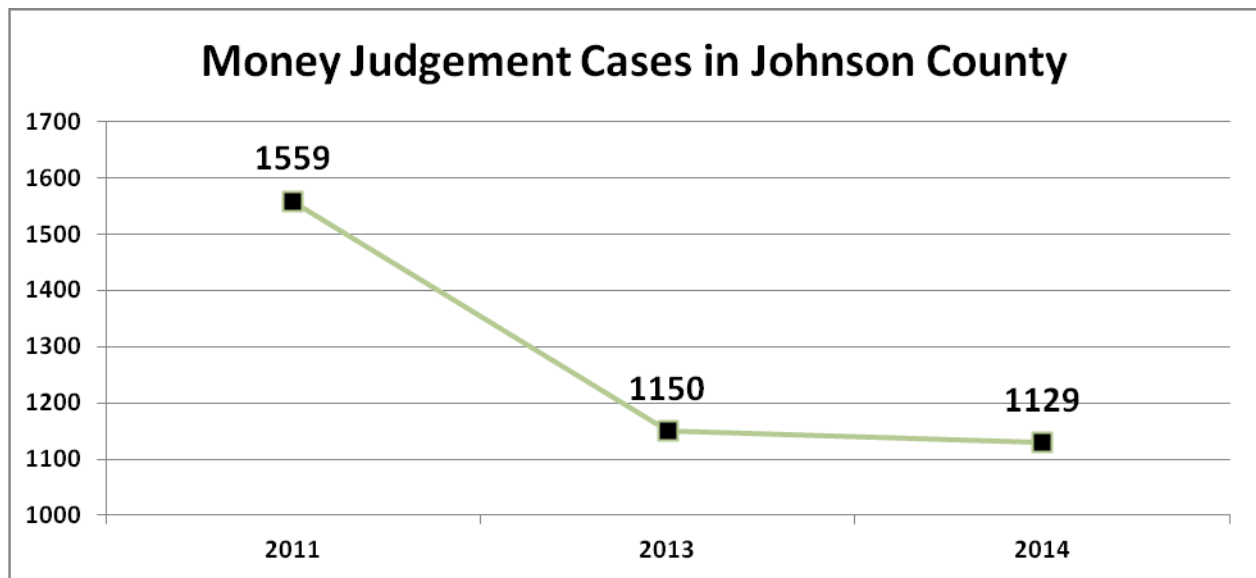
There was a decrease in the percentage of attorneys preparing their clients for mediation, and an increase in those who felt completely prepared, compared to previous years. Since as of 2014 all the parties are now viewing the Mediation Education Class video, it raises a question as to whether the video has played a role in those reporting parties feeling completely prepared.

Johnson County Small Claims Mediation Program

In the Sixth Judicial District, there are volunteer small claims mediators in Linn, Johnson and Iowa Counties. In Johnson County, mediation is voluntary and magistrates encourage parties in money judgment cases to mediate. Small claims mediation is mandatory in Linn County and voluntary in Iowa County.

In Johnson County there are 8 volunteer mediators and 3 mediators who have been trained and are going through our practicum program. In the practicum, mediator trainees observe and then co-mediate with experienced mentor mediators before they can apply to mediate solo.

Johnson County Magistrates encourage parties in money judgment cases to mediate. They rarely encourage FED's to mediate. Numbers from 2013 and 2011 show the decline in number of money judgment cases:



The volume of claims filed has declined by about 50% since the fee increase (from \$50 to \$85) took effect in May 2009. In 2008 there were 3,253 small claims cases filed in Johnson County. In 2014, there were 1628 small claims cases filed.

As indicated in the chart above, the number of money judgment cases filed has dropped 27 percent from 2011 to 2014.

Correspondingly, the number and percentage of cases mediated has reduced dramatically. 118 cases mediated in 2009. In 2014, only 39 cases mediated: less than one case per week.

We have record of 39 mediations done in the first 10 months of the year, less than one per week. 18 reached agreement (47 percent). The 39 cases are 3.4 percent of the money judgment cases. In 2013, we mediated 53 cases, approximately one per week. In 2012, we mediated 208, approximately 4 per week. In 2011, we mediated approximately 2 per week.

We only have mediator-reported data from 11 of the cases. Eleven forms is not a statistically significant enough sample to report in detail. We can report that:

- **Most of these cases were between a business or individual or two individuals.**
- **Most of these cases were landlord/tenant or related to property.**
- **Most of these cases were filed for \$1000-1,999 or \$3000-3,999.**
- **Approximately three fourths of the cases were completed in one to 3 hours.**
- **Attorneys participated in less than two thirds of these mediations.**

Small Claims Mediation: Participant Reported Data

At the end of the mediation, participants are offered the opportunity to provide feedback on their experience by completing a survey. Of the over 39 cases mediated, 98 participants responded to the survey. 38 percent of the respondents were plaintiffs, 46 percent were defendants, 9 percent were attorneys and 1 percent were witnesses.

The survey contains 12 questions with answer sets that range from Yes/No responses to a range of responses from “Very Satisfied”, “Satisfied”, “Neither Satisfied or Dissatisfied”, “Dissatisfied” and “Very Dissatisfied”. The percentages in the percentages cited below include responses of “Very Satisfied” “Satisfied” and “Neither Satisfied or Dissatisfied” because that middle option indicates a partially positive response.

The 12 questions can be broken down into the following categories:

- Advance notice of the mediation option (2 questions)
- The mediator’s role in conducting the mediation (2 questions)
- The success of the mediation process (5 questions)
- The perceived value of the mediation process (3 questions)

RE: Advance Notice (not on graph)

The Johnson County Clerk of Court includes information about the mediation program in the materials sent to the participants in small claims cases.

“Did you receive written information about mediation with small claims materials from court?” 55 percent of the participants indicated that they had received the material (down from 65.0% in 2013.) During 2014, Johnson County went to electronic filing. These stats prompted an inquiry as to whether the mediation information was being conveyed in the electronic format. It was not. As of June 2015, information on mediation in small claims cases was restored to the materials received by both parties.

“Did the information help to make you feel comfortable about trying the mediation process?” 56 percent. Of course, the respondents were parties who had chosen to mediate. In 2014, 33 percent indicated ‘No Answer’. 72 percent indicated yes in 2013. These stats also prompted the inquiry into whether the mediation information was being sent to parties in the electronic format. The information on mediation is now being received electronically by both parties.

RE: The Mediator’s Role (not on graph)

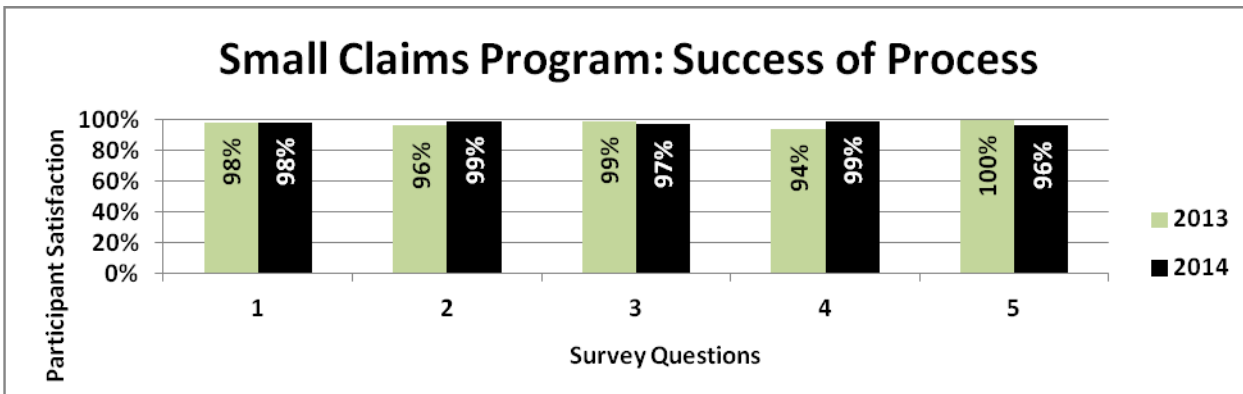
Satisfied with the mediator’s explanation of the mediation process. 97% in 2014. (100% in 2013)

Satisfied with the mediator’s ability to remain neutral. 95% in 2014. (Same in 2013)

The Success of the Process (see graph below)

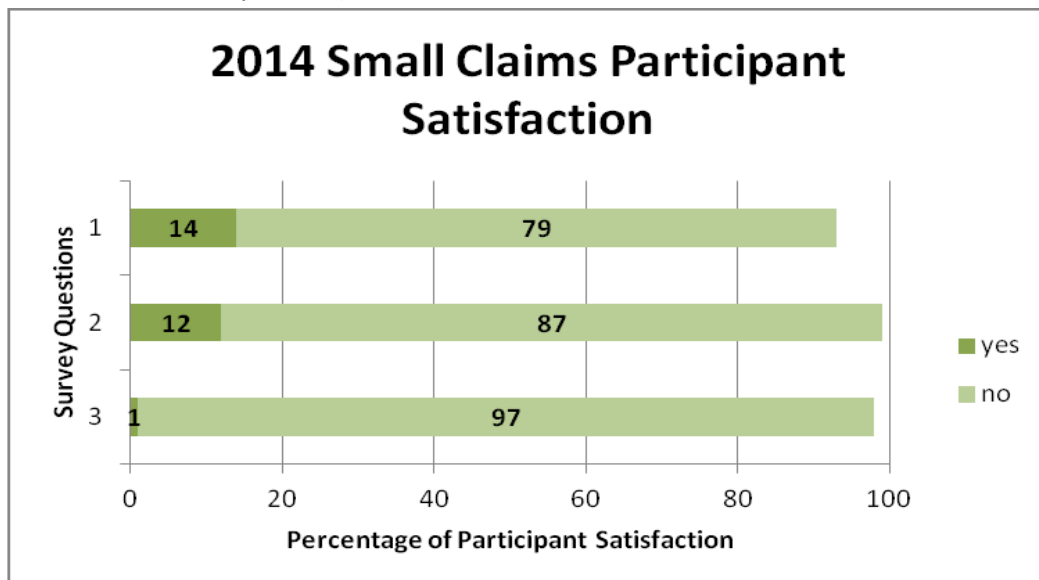
- 1. Satisfied that they had the opportunity to present their position.**
- 2. Satisfied that they had the opportunity to talk through the solutions.**
- 3. Satisfied that they had the opportunity to have a part in deciding the outcome of the dispute.**
- 4. Satisfied that the process was fair.**

5. **Satisfied that the mediation process would be useful in resolving future conflicts.** (Asking the question “Do you think the mediation process would be useful in resolving future conflicts?” is considered by mediation professionals as a way to measure participants’ satisfaction with the mediation process.)



RE: The Perceived Value

1. **A strong majority of parties were satisfied with the overall outcome of the mediation.**
2. **Found the (mediation) process to be helpful.**
3. **Would recommend mediation to a friend or relative.** (Asking the question “Would you recommend mediation to a friend or relative?” is considered by mediation professionals as a way to measure participants’ satisfaction with the mediation process.)



Trends

As indicated earlier in this section, the number of small claims cases filed has dropped by about 50% since 2009.

This creates a number of challenges for the small claims mediation program. Maintaining volunteer mediator morale and involvement when there are few cases to mediate is a challenge. Also, with fewer mediations, practicum mediators

have fewer opportunities to observe and co-mediate so they can gain experience and become solo mediators for the program. The practicum takes more time.

Nonetheless, our mediators continue to be enthusiastic about mediating and attend our monthly 'brown bag' meetings to talk shop.

Public Education for Parties in Divorce and Custody Cases

The court has ordered MSEI responsible for compiling evaluations of the two classes required for parties going through divorce and custody cases. The first class is the *Divorcing and Separating Parents' Class*, required statewide for parents of minor children. The second class is the *Mediation Education Class*, required for all parties going through divorce and custody cases in the Sixth Judicial District. Both of these classes are offered in one session, for the parties' convenience. Three agencies present the classes ten times a month, in four of our six counties. MSEI is also responsible for evaluating the content of the mediation education programs offered by approved providers of mediation education classes in the District.

In June 2013, all agencies began using the "Mediation: What Difference Can It Make?" half-hour video produced by MSEI as the *Mediation Education Class*.

The information that follows provides the results of participant surveys from these two classes.

Divorcing and Separating Parents' Classes (often using the *Children in the Middle* curriculum)

The Divorcing and Separating Parents' class is presented by four independent agencies: (1) St. Luke's Hospital/Unity Point, (2) Parenting Solutions, (3) Family Development Associates (FDA), and (4) Life Connections. The courses are now offered throughout the judicial district, in Cedar Rapids, Iowa City, Vinton, Anamosa, Williamsburg, North Liberty, and Marion, in five of our six counties. There is no longer a class offered in Tama County.

Volume Data

In 2014, parties in all dissolutions with minor children and modifications with minor children were ordered to attend the Divorcing and Separating Parents' Class (often called Children in the Middle), or 2178 people. 876 people attended the face to face sessions, based on the number of exit surveys we received from the four agencies. That means approximately 40% of those ordered did attend the classes.

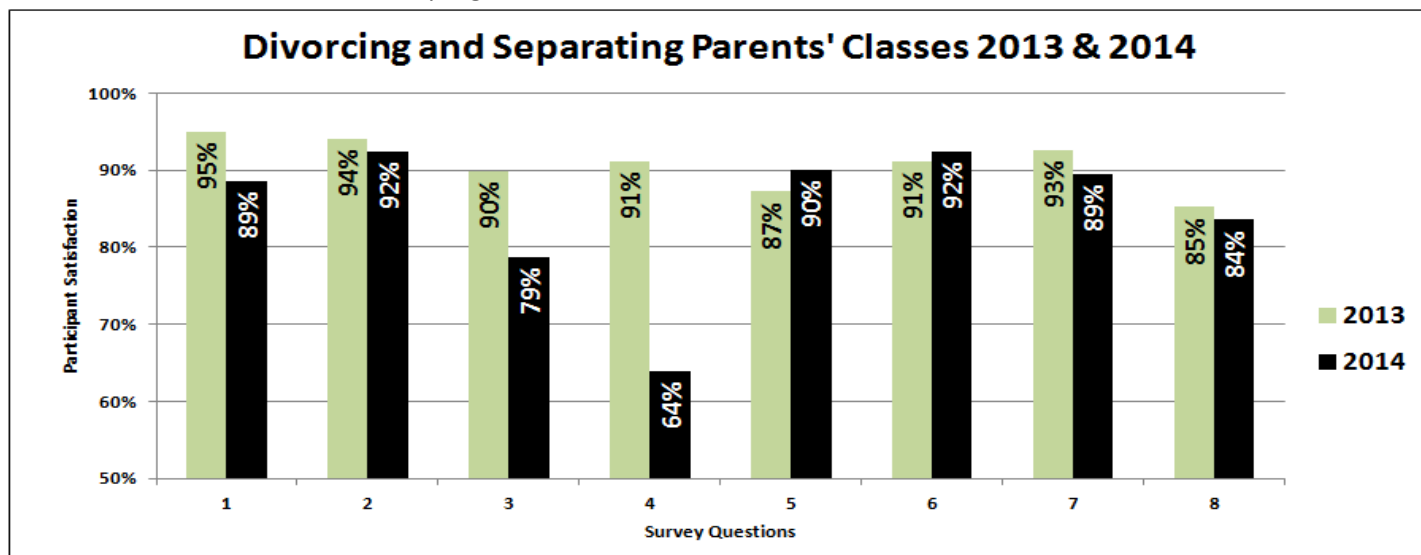
The exit surveys ask questions with the following possible responses:

- Strongly Disagree - 1
- Disagree - 2
- Mixed/Neutral - 3
- Agree - 4
- Strongly Agree - 5

What follows are the eight questions on the exit survey and the percent of responses that were 'Agree' + 'Strongly Agree' on the 2014 surveys:

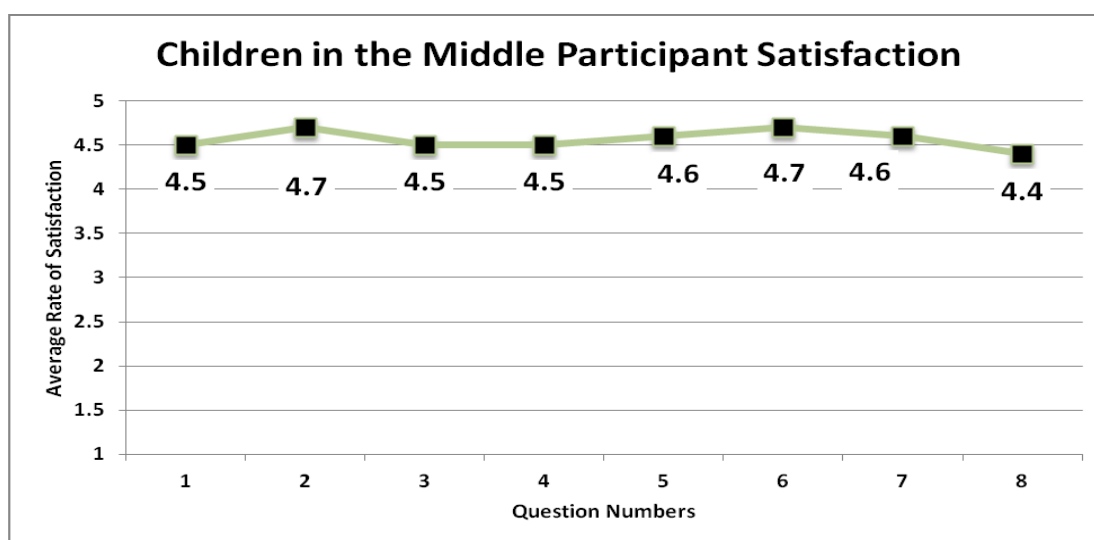
1. The knowledge presented is practical: **88.58%** (of the people said Agree and Strongly Agree)

2. The information was presented clearly: **92.46%** (Agree and Strongly Agree)
3. I am more aware of how my child(ren) might get caught in the middle between my former partner and myself: **78.76%**
4. I am more aware of how to prevent placing my child(ren) in the middle: **63.92%**
5. I am more aware of potential problems for my child(ren) as a result of divorce: **90.06%**
6. I intend to use the information gained today in a positive way: **92.46%**
7. Overall evaluation for the program is positive: **89.49%**
8. I would recommend this program to others: **83.56%**



The chart above compares survey results in 2013 and 2014. There is little change except for the answers to questions #3 and 4. (#3 I am more aware of how my child(ren) might get caught in the middle between my former partner and myself; #4 I am more aware of how to prevent placing my child(ren) in the middle.)

I will provide this aggregate information to the presenting agencies to see whether they know of any changes in personnel, their curricula, or anything else that they would cite as factors in change in survey responses. I will also ask them specifically what they think the change in the answers to #3 and #4 indicates.



The chart above reports on the evaluation responses to the same eight questions by averaging the answers.

The possible responses to the evaluation questions are assigned the numbers in parentheses for the purpose of calculating the average of the responses:

Strongly Disagree (1)

Disagree (2)

Mixed/Neutral (3)

Agree (4)

Strongly Agree (5)

Mediation Education Class

The *Mediation Education Class* (MEC) is a half hour class presented by the same four independent agencies in the same locations just before the Divorcing and Separating Parents' Classes, for the parties' and presenters' convenience. Concerns had been raised for years by parties and attorneys about the inconsistency between the courses offered by the different agencies. To address this concern, as of June 2013, the agencies started conducting the course by presenting the 30-minute video produced by MSEI. The video includes interviews with 12 people who have gone through mediation in the 6JD, two judges, two domestic violence advocates, and a mediator (not on the roster). It also includes information on how to prepare for mediation. Charity Nebbe of IPR did the voice-over. As of March 2014, the Mediation Education Class is also offered online. This was District Court Administrator Carroll Edmondson's suggestion.

Volume Data

Parties in all dissolution cases with and without children and in modifications with children are ordered to the MEC. In 2014, 1184 of the 3706 parties in the cases filed, or 31 per cent, participated (up from 25 per cent in 2013).

876 parties took the face-to-face Mediation Education Classes (down from over 900 in 2013). An additional 308 parties took the class online at our website: mediateiowa.org. That is a 133 percent increase in total registrations from 2013.

Evaluations: At the end of the face to face and online classes, the attendees are asked to complete an evaluation.

Possible responses to the evaluation questions and the number of points assigned to each are:

Strongly Disagree (1)

Disagree (2)

Mixed/Neutral (3)

Agree (4)

Strongly Agree (5)

The questions are:

1. I understand what mediation is.
2. I understand the ways and reasons I could be excused.
3. I understand that decisions-making in mediation is up to me and my ex.
4. I understand that my ex and I may resolve any or all of our issues in mediation.
5. Overall evaluation of the program is positive.
6. I would recommend this program to others.

We now have evaluations that allow us to compare the three methods of presenting the class that were used in 2013 and 2014: Presenters talking for 30 minutes (January – May 2013), presenters showing the video for 30 minutes (June – December 2013 and all of 2014) and parties taking the course online viewing the video.

Mediation Education Class	Presenter only Jan-May 2013	Presenter w/ video June – Dec 2013	Presenter w/ video 2014	Online video 2014
1. I would recommend this program to others.	4.48	4.44	4.35	4.15
2. My overall evaluation of the program is positive.	4.51	4.49	4.50	4.21
3. I understand that my ex and I may resolve any or all of our issues in mediation.	4.52	4.54	4.51	4.35
4. I understand that decision-making in mediation is up to me and my ex.	4.55	4.61	4.53	4.44
5. I understand the ways and reasons I could be excused from mediation.	4.55	4.48	4.41	4.29
6. I understand what mediation is.	4.56	4.70	4.56	4.47

These numbers show the average score for each question, based on the number of points assigned for each response: Strongly Disagree (1), Disagree (2), Mixed/Neutral (3), Agree (4), Strongly Agree (5)

Observations:

All the averages represented are between Agree (4) and Strongly Agree (5).

In general, the ‘presenter only class’ scores are higher or comparable to the others.

The two highest averages were #4 – 4.61 and #6 – 4.70 and were during the first seven months of the presenters using the video,

In general, the online class scores are lower than the others.

Actions:

1. MSEI will share these results with the agency presenters for their feedback, individually and at a meeting of all of them.
2. MSEI will review the participant comments for specific concerns and response patterns.
3. In the online class, the average was 4.29 for #5. *I understand the ways and reasons I could be excused from mediation.* Waivers from mediation are primarily granted if a party is afraid to be with the other party or afraid to disagree with the other party in mediation, common when there is a power imbalance or abuse of some kind. This is addressed in the video (and on our website and in the court order). Nevertheless, it is essential that vulnerable parties in these situations know their options. MSEI will work on a solution to this. Mediation can also be waived if parties without minor children file an agreement reached without mediation.

4. If the review of these comments leads to proposals for changes in the video, MSEI will submit a grant to our original funder, the Greater Cedar Rapids Community Foundation, for funds to edit the video and to post the new version online.

MSEI Financial Information

2014 Financial Summary

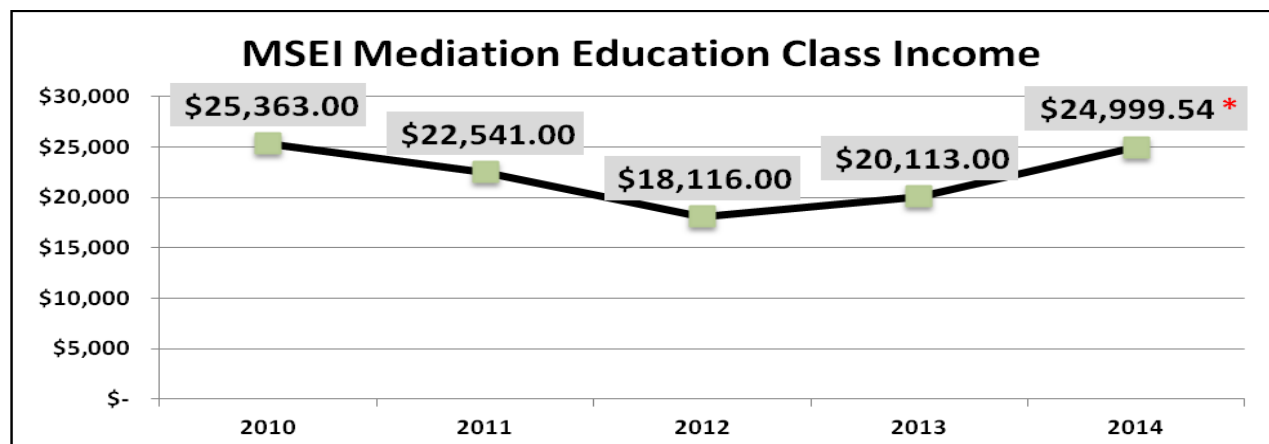
The court requires that MSEI account to the District for all funds it receives from fees collected by approved providers of Mediation Education Classes in the District. That information is summarized here and in a 2014 income/expense statement is attached to this report.

Income

MSEI's two primary income sources are the registration fees for the Mediation Education Classes (MEC) and MSEI-sponsored Continuing Legal Education courses (CLE's).

Mediation Education Classes: All parties in divorce and custody cases in the Sixth Judicial District (6JD) are ordered to attend the Mediation Education Class (MEC). In 2002, the court authorized MSEI to be the recipient of 85% of the registration fees from the Mediation Education Classes. The class fee is \$20 per attendee of which MSEI receives \$17. The class is also offered online, and MSEI receives between \$14-15 per registration, with the online host business netting the balance.

The registration fees represent a primary, though fluctuating, source of income for MSEI. In 2014, the income from the Mediation Education Class registration fees was \$24,999.54, an increase of \$4886.54 from 2013. The online class registrations account for the increase in registrations/income.



Sponsoring Continuing Legal Education Courses (CLE's): MSEI earned \$3,989.33 (gross, not net) in 2014 by sponsoring CLE's for mediators and attorneys.

2014 Continuing Legal Education Programs

The court holds MSEI responsible for offering CLE programs to mediators and attorneys. In 2014 MSEI conducted the following CLE-accredited programs:

November 6-7 – *Introduction to Mediation and Domestic Abuse*. 14 people attended from around the state.

December 19 – *Hot and Timely Topics in Family Law, Cedar Rapids*. 24 people and 5 speakers attended.

The *Introduction to Mediation and Domestic Abuse* class is required for mediators on the roster of the 6JD Family Mediation Program. It includes training on screening for domestic abuse, determining whether mediation is appropriate and dealing with power imbalances in mediation. A minimum of 25% of divorcing and separating parties have some level of abuse or power imbalance. The risk of serious harm in an abusive relationship is greatest at the time of separation. This is when people are ordered to mediate, so it is essential that mediators screen both parties before scheduling mediation to make sure that mediation is appropriate.

Annual Roster Mediator fee: MSEI earned \$4954.72 from the annual fee of \$120 for roster mediators (\$10 per month) instituted in 2013. In 2013 the fee generated \$5910.32. (The odd number is due to fees taken out when paid by Paypal.) The number of roster mediators has dropped each year since instituting the fee. The most commonly cited reason for leaving the roster is ‘not generating enough income from mediation.’

Expenses

MSEI’s primary expenses are the Director’s salary for 15 hours per week, payroll taxes, a work study student at 10 hours per week, office expenses, and expenses related to the continuing legal education courses and hosting our website and online database.

Financial Blessing

MSEI was blessed to receive \$2745.00 in contributions in honor of Judge William L. Thomas, the champion of family mediation in the Sixth Judicial District, in the state and nationally, as a board member of the Family Mediation Association. He is missed. The MSEI Board decided to allocate this amount to the director’s time spent ‘growing’ the restorative justice conferencing program.

Financial challenges

MSEI will work on increasing income from sponsored continuing legal education courses (CLE’s). A goal is to have a stable income and to increase paid staff hours from 15 hours a week.

Focus

We intend to expand our outreach about resolving conflict more broadly throughout the Corridor. We want to increase referrals to the Restorative Justice Program.